

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

H. Adachi, et al.

Application Serial No.: 10/584,159

Art Unit: 3767

Filing Date: June 22, 2006

Examiner: To Be Assigned

For: Iontophoresis Device Activated In Use

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Defective Response mailed herein on February 14, 2011, it is respectfully submitted that the surcharge set forth in 37 C.F.R. 1.492(e) in the amount of \$130.00 was previously paid at the time of filing of the application. However, due to a typographical error, it was improperly noted in the PTO-1390 form as being a “[p]rocessing fee of \$130 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 C.F.R. 1.492(i))”, rather than the proper “[s]urcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 C.F.R. 1.492(h))”, as in fact, the English translation was submitted at the time of filing. Accordingly, no such fee under 37 C.F.R. 1.492(i) was actually required.

As evidence of the above, please find attached hereto a copy of the transmittal (PTO-1390) submitted herein. Further, as clearly evidenced by the PAIR file of the instant application, the English translation was filed on the filing date herein.

Accordingly, it is respectfully requested that the previous mistaken submission of the \$130 payment under 37 C.F.R. 1.492(i) be applied to the required payment under 37 C.F.R. 1.492(h), as was intended by the undersigned. It is believed that Commissioner is empowered to do same, and thus there is no additional fee due herein. However, the Commissioner is hereby authorized to charge payment of any

additional fees due or credit any overpayment to Deposit Account No. 20-1424.

Having now complied with all requirements of 35 U.S.C. 371, Applicants respectfully request that this application be placed upon the files for examination.

Respectfully submitted,

Donald E. Townsend, Jr.

Donald E. Townsend, Jr.
Reg. No. 43,198

Date: March 7, 2011

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